

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE DEEP CONCERN OF CONGRESS REGARDING THE FAILURE OF THE ISLAMIC REPUBLIC OF IRAN TO ADHERE TO ITS OBLIGATIONS UNDER A SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ENGAGEMENT BY IRAN IN ACTIVITIES THAT APPEAR TO BE DESIGNED TO DEVELOP NUCLEAR WEAPONS

Mrs. FEINSTEIN (for herself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 73

Whereas environmental sampling by the International Atomic Energy Agency (IAEA) at Iran's Natanz nuclear facility revealed the presence of 2 types of highly enriched uranium that can be used to develop nuclear weapons;

Whereas the traces of highly-enriched uranium detected by the IAEA at the Natanz facility and the Kalaye Electric Company could indicate that Iran has been secretly attempting to produce weapons-grade uranium at these facilities;

Whereas, in March 2003, the Director of the IAEA announced that Iran was constructing a facility to enrich uranium, a key component of advanced nuclear weapons;

Whereas, on January 1, 1968, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

Whereas the June 6, 2003, report of the Director General of the IAEA expressed concern over the failure of the Government of Iran to report material, facilities, and activities at its nuclear facilities, including those that have the potential to enrich uranium and develop nuclear weapons, in contravention of its obligations under the safeguards agreement it signed in connection with the Nuclear Non-Proliferation Treaty;

Whereas the Board of Governors of the IAEA adopted a resolution on September 12, 2003, that calls on Iran to provide the IAEA a full declaration of all imported material and components relevant to the uranium enrichment program, to grant unrestricted access, including environmental sampling, to the IAEA, to resolve questions regarding the conclusion of the IAEA experts who tested gas centrifuges in that country, to provide complete information regarding the conduct of uranium conversion experiments, and to provide such other information and explanations and take such other steps as the IAEA determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

Whereas, in June 2003, Iran conducted a successful test of the 800-mile range Shahab-3 missile, and Iran is also seeking to produce a 1,200-mile Shahab-4 missile;

Whereas the construction by Iran of nuclear facilities, coupled with its ties to terrorist groups, constitutes a threat to international peace and security; and

Whereas, by signing the Nuclear Non-Proliferation Treaty, signatories such as Iran that are not declared nuclear powers commit themselves to abstaining from the acquisition of nuclear weapons, preventing the spread of nuclear weapons and weapons technology, promoting cooperation in the peaceful uses of nuclear energy, and achieving nuclear disarmament: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) deplores the development by Iran of a nuclear weapons program and the failure of the Government of Iran to report material, facilities, and activities to the International Atomic Energy Commission in contravention of its obligations under the safeguards agreement it signed in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (hereafter in this resolution referred to as the "Nuclear Non-Proliferation Treaty");

(2) concurs with the view of the Department of State, as delivered in testimony to the U.S.-Israel Joint Parliamentary Committee on September 17, 2003, by the Assistant Secretary of State for Verification and Compliance that the explanations provided by the Government of Iran for its nuclear activities are not credible;

(3) concurs with the conclusion reached in the Department of State's Annual Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments that Iran is pursuing a program to develop nuclear weapons;

(4) calls on the President to use all appropriate means to prevent Iran from acquiring nuclear weapons, including—

(A) urging the Government of Iran to accept in full the resolution adopted by the Board of Governors of the International Atomic Energy Agency on September 12, 2003 (hereafter in this resolution referred to as the "IAEA resolution"), that calls on Iran to—

(i) provide the Agency a full declaration of all imported material and components relevant to the uranium enrichment program;

(ii) grant unrestricted access, including environmental sampling, to the Agency;

(iii) resolve questions regarding the conclusion of the Agency experts who tested gas centrifuges in that country;

(iv) provide complete information regarding the conduct of uranium conversion experiments; and

(v) provide such other information and explanations and take such other steps as the Agency determines necessary to resolve by October 31, 2003, all outstanding issues involving Iran's nuclear materials and nuclear activities;

(B) taking such diplomatic measures as are necessary to encourage other nations, especially Russia, to urge the Government of Iran to fully and immediately comply with the such resolution; and

(C) working with the United Nations and other nations to urge the Government of Iran to sign the Model Additional Protocol to give the International Atomic Energy Agency greater access in Iran to ensure that—

(i) no undeclared facilities exist in Iran; and

(ii) no materials or technologies have been diverted from safeguarded facilities in Iran;

(5) calls on Russia to—

(A) use all appropriate means to urge Iran to accept in full the IAEA resolution; and

(B) suspend all nuclear cooperation with Iran until Iran fully and completely complies with the IAEA resolution;

(6) calls on member states of the United Nations to join the United States in preventing the Government of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program;

(7) calls on the United Nations Security Council to immediately undertake consideration of—

(A) the threat to international peace and security posed by Iran's nuclear weapons program; and

(B) the passage of a Security Council resolution or the taking of other actions that may be necessary to impose diplomatic and economic sanctions against Iran if it fails to meet its obligations to the International Atomic Energy Agency by October 31, 2003; and

(8) calls on the Government of Iran to cease all efforts to acquire nuclear fuel cycle capabilities until it is able to provide specific assurances that it is not engaged in a clandestine nuclear weapons program by—

(A) coming into complete and verifiable compliance with its obligations under the IAEA resolution, including the prompt and unconditional implementation of the Model Additional Protocol; and

(B) fully meeting its obligations under the Nuclear Non-Proliferation Treaty.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague Senator KYL, to introduce a resolution to express deep concern about Iran's nuclear program. The time has come for the international community to speak with one voice and urge Iran to abandon its attempts to acquire nuclear weapons.

With the fall of the Hussein regime in Iraq, attention has turned to the threat posed by the Islamic Republic of Iran and the recent revelations about its nuclear program. I am increasingly concerned that Tehran is determined to develop nuclear weapons and substantially alter the balance of power in the Middle East.

In December 2002, Iran admitted that—in addition to the known construction of a light water reactor complex in Bushehr with Russian assistance—it is building two facilities that could be used to develop fissile material for a nuclear weapon: a uranium enrichment facility at Natanz and a heavy water production plant at Arak.

According to the Carnegie Endowment for International Peace, the Natanz large-scale commercial plant, scheduled for completion in 2005, "could produce approximately 400 to 500 kilograms of weapon-grade material annually, or enough for 15 to 20 nuclear weapons a year." The Arak facility, scheduled to begin in 2004, "could produce between 8 and 10 kilograms of plutonium annually, enough for one or two nuclear weapons a year."

The revelations are serious and deeply troubling.

As Professor Gary Mithallin testified before the U.S.-Israel Joint Parliamentary Committee on September 17, 2003: "Adding an Iranian nuclear weapon capability runs the risk of joining terrorism and weapons of mass destruction—a combination that our government considers the greatest security challenge of the 21st century."

Iran's pursuit of nuclear weapons demands the full attention of the United States and the international community, and a concerted and clear response to bring Iran into compliance with its obligations under the Nuclear Non-proliferation Treaty.

Iran's assertion that its nuclear program is peaceful and is aimed at producing 6,000 megawatts of electricity is highly dubious given the efforts to conceal construction of the Nantanz and Arak facilities and its plentiful supplies of oil and gas reserves. In her testimony before the U.S.-Israel Joint Parliamentary Committee, Assistant Secretary of State for Verification and Compliance, Paula A. DeSutter agreed and stated: "Iran's attempts to explain why it needs an indigenous nuclear fuel cycle are simply not credible."

In fact, United Nations International Atomic Energy Agency (IAEA) inspectors have found traces of highly enriched, weapons grade uranium on Iranian nuclear equipment at two sites.

I am pleased that the IAEA Board of Governor's passed resolution last week setting a deadline of October 31 for Iran to come clean about its nuclear program. As IAEA spokeswoman Melissa Fleming stated:

What the IAEA inspectors need is accelerated cooperation, full transparency on the part of Iran, so that we can clear up these questions in a matter of weeks, and not months and months.

Talks have begun between the IAEA and Iranian authorities about Iran's nuclear program and the October 31 deadline. Our resolution supports the IAEA efforts to bring Iran into compliance with its international obligations. Among other things, it: deplores the Islamic Republic of Iran's development of a nuclear weapons program and for its failures to report material, facilities, and activities to the International Atomic Energy Agency as it is obligated to do pursuant to its safeguards agreement; concurs with the conclusion reached in the U.S. Department of State's Annual Noncompliance Report that Iran is pursuing a program to develop nuclear weapons; calls on the President of the United States to urge the Islamic Republic of Iran to accept in full the International Atomic Energy Agency's September 12, 2003 resolution; calls on member states of the United Nations to join the United States in preventing the Islamic Republic of Iran from continuing to pursue and develop programs or facilities that could be used in a nuclear weapons program; and calls on the United Nations Security Council to immediately undertake consideration of the threat to international peace and security posed by Iran's nuclear weapons program as well as such action as may be necessary, including a Security Council resolution, that would impose diplomatic and economic sanctions against Iran should Iran fail to live up to its obligations to the International Atomic Energy Agency by October 31, 2003.

In addition, its calls on the Government of Iran to: to come into verifiable compliance with its obligations under the September 12, 2003 resolution of the International Atomic Energy Agency; to come into verifiable compliance with its obligations under the Treaty

on the Non-Proliferation of Nuclear Weapons; and to immediately sign the Model Additional Protocol of the International Atomic Energy Agency, which would allow inspectors freer access to nuclear sites.

The international community must stand together to put pressure on Tehran to live up to its commitments and, in particular, sign the additional protocol to the Nuclear Non-proliferation Treaty to permit snap, short-notice inspections of Iran's declared and undeclared nuclear facilities.

I, for one, had been hopeful that Iran in recent years had begun to take the necessary steps to rejoin international community. The election of President Mohammad Khatami in May, 1997 appeared to be a vote for moderation and engagement with the outside world.

Yet, the clandestine nuclear weapons program, the continued support for terror, the numerous human rights abuses against religious minorities including Iranian Jews, the suppression of the student lead pro-democracy movement, and the continued uncompromising influence of the unelected hardliners in the Council of Guardians and the military lead me to conclude that we still have a long ways to go before we see a peaceful, stable, democratic Iran.

I firmly believe that the Iranian people desire to see their country break its ties with the past and commit itself to a future based on democracy, human rights, and the rule of law.

If they are to realize that dream, the United States must work closely with our friend and allies in the international community to put pressure on Iran to abandon its nuclear weapons program, cease its support for terror, and become a positive force for change in the Middle East. I urge my colleagues to support the resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1838. Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1839. Mr. ENSIGN proposed an amendment to the bill S. 1689, supra.

SA 1840. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1841. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1842. Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to the bill S. 1689, supra.

SA 1843. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1844. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1845. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by

her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1846. Mr. BYRD (for himself, Mr. LEVIN, Mr. REED, Mr. CORZINE, Mr. LEAHY, Mr. DORGAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. JEFFORDS, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1689, supra.

SA 1847. Mr. FEINGOLD proposed an amendment to the bill S. 1689, supra.

SA 1848. Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. CLINTON, Mrs. MURRAY, Mr. DURBIN, and Mr. JOHNSON) submitted an amendment intended to be proposed by her to the bill S. 1689, supra.

SA 1849. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1850. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1851. Mr. REID (for Mr. CORZINE) proposed an amendment to the bill S. 1689, supra.

SA 1852. Mr. FEINGOLD (for himself, Mr. WYDEN, Mr. DAYTON, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, supra.

SA 1853. Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM, of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1854. Mr. DASCHLE proposed an amendment to the bill S. 1689, supra.

SA 1855. Mr. HARKIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1856. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1857. Ms. CANTWELL (for herself, Mr. BINGAMAN, Mr. LEAHY, Mr. JOHNSON, Mr. NELSON, of Florida, Mr. GRAHAM, of Florida, Mrs. MURRAY, Mr. KENNEDY, Mr. PRYOR, Mr. LAUTENBERG, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1858. Mr. NELSON, of Florida proposed an amendment to the bill S. 1689, supra.

SA 1859. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 1689, supra.

#### TEXT OF AMENDMENTS

**SA 1838.** Mr. REID (for himself, Mr. MCCAIN, Mrs. LINCOLN, and Mrs. MURRAY) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 316. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended to read as follows:

**"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation**

**"(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to